

REMARKS

I. Introduction

In response to the Office Action dated June 27, 2005, Applicants have amended claim 50 in order to clarify the intended subject matter of the present invention. Claims 5, 13, 17, 18, 19, 22 and 23 have all been amended to correct the format relating to multiple dependent claims in response to the Examiner's objections under 37 CFR 1.75(c) or to correct inadvertent errors. Claims 26-49 have been cancelled without prejudice. No new matter has been entered. Entry of the foregoing amendment is respectfully requested.

Applicants note with appreciation the indication of allowable subject matter being recited in claims 1-25 if rewritten in independent form including all of the limitations of the base claim and any intervening claims and rewritten to overcome the objection of improper dependency claims as set forth in the above cited Office Action. For the reasons set forth below, it is respectfully submitted that all pending claims are now in condition for allowance.

II. The Rejection Of Claim 50 Under 35 U.S.C. § 102

Claim 50 was rejected under 35 U.S.C. § 102(e) as being anticipated by Nishimura et al. (U.S. 6,836,388). Applicant respectfully submits that Nishimura et al. fails to anticipate the pending claim for at least the following reasons.

With regard to the present invention, claim 50 discloses a fluid bearing motor comprising, in part, a fixed shaft with one end fixed on a chassis, which passes through the hollow cylinder.

In contrast to the present invention, Nishimura et al. discloses a configuration which fails to teach that the shaft is fixed to the chassis. In Fig. 4 of Nishimura et al., a shaft 4' appears to be bound to a sealing cap 10 and to be fixed. However, as is disclosed in the second embodiment of Nishimura et al., the fluid bearing is configured such that the shaft 4' rotates in a floating state without contact (see, column 10, lines 3-22).

In addition, the second embodiment of Nishimura et al. discloses a round cylindrical casing member 5 in which a radial bearing exists between outer periphery side of cylinder surface and sleeve 8. However, the casing member rotates as one body which is fit and integrated with shaft 4 (see, column 10, lines 23-25). This is in contrast to the present invention in which the fixed shaft is disposed at the inner periphery of the hollow cylinder, the hollow cylinder and fixed shaft maintaining a non-contact state.

Furthermore, threaded hold 4'b in the second embodiment of Nishimura et al. is provided in the upper direction of the shaft 4', and this is designed to clamp a disk on the rotation axis. Therefore, in the second embodiment of Nishimura et al. the center of the spindle motor rotates, when viewed from the upper direction of the motor. As shown in Figure 6, it is necessary to open space between the case and the upper side of the motor. The present invention does not contain this feature, as the disk is secured by a plurality of screws 15 which are disposed on the non-central position of the flange 2b, as is shown in Figure 1 of the present invention. Thus, because the fixed shaft is secured to the chassis 5 at the center of the spindle motor, the case is able to be secured to the center of the spindle motor, which greatly improves the chassis rigidity over the prior art.

As anticipation under 35 U.S.C. § 102 can only be found when the reference discloses exactly what is claimed, *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 USPQ 773 (Fed. Cir. 1985), for at least the foregoing reasons it is respectfully submitted that Nishimura does not anticipate amended claim 50 of the present invention. Accordingly, it is respectfully requested that the § 102 rejection of claim 50 be withdrawn.

III. Conclusion

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication of which is respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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